

PLENTY OF PROBE TO GET ANSWER TO SOLITARY QUESTION

Attorneys Go To the Mat in Utilities Hearing and Argue An Hour

FINALLY HAWAII MEAT MAN TELLS PROFITS

Commission Threatened Witness With Contempt Before He Responded

Over the simple question "can you give us an idea of what that has been on an average at the end of a year?" meaning the bonus paid by the Hawaii Meat Company to cattle shippers, the hearing before the Public Utilities Commission on the H. St. Island Steam Navigation Company's rates last night at least came to a dramatic climax.

The same question had been propounded to Gilbert J. Waller Jr., secretary of the meat company, at the meeting of the commission on Monday and the hearing then came to an end because of the objection of Attorney Clarence H. Olson, who protested that the question was an unwarranted prying into the private affairs of business concerns.

The meeting last night opened with the same question. The single setting was the same, except that it had been shifted to the headquarters of the Harbor Board in the Capitol building. Waller was on the stand with an armful of data. All the commissioners were present, Forbes occupying the seat in the chair, flanked by Carden and Gignoux, with Attorney Coke hovering close by ready for any legal emergency.

Attorney L. J. Warren and J. L. MeLean, vice-president of the steamship company, were prepared to thrust the question forward and to rest the case on the issue. After a slight delay Attorney Olson, in evening dress, appeared on the scene and the second act of the drama began.

Argument Pro and Con
For more than an hour the meeting was not unlike the closing session of a Democratic congress. Everybody wanted to talk at once and two stenographers working overtime were unable to keep up with the eruption of language. Warren was insistent that the question should be answered and Olson was equally determined that it should not be answered. Then the commission went into extraordinary session and after advice from Attorney Coke decided that the question should be answered and left to the decision of the commission whether it should become a part of the record.

Wanted Proper Foundation
Olson wanted Attorney Warren to assure the commission that the question would be properly tied up with subsequent questions that would be asked during the hearing. He maintained that a proper foundation had not been laid for the question, and that it was not in proper legal form. Warren remained noncommittal and deftly fenced with the opposing counsel, mostly by an obstinate silence, and insisted on the question being answered.

After another extraordinary, or extraneous, session of the commission with Attorney Coke, it was decided that the question should be answered and Waller was instructed to answer the question. Olson then advised Waller that he should not answer the question. Then the question was read to Waller again for the hundredth time and he refused to answer it. He said: "In view of what Mr. Olson has advised, I refuse to answer the question."

Threatened With Contempt
Commissioner Carden then announced that the next step would be for the commission to force the witness to answer the question. Chairman Forbes then consulted with Attorney Coke, who decided that the witness should be held in contempt by the commission.

A dramatic pause followed that was even more eloquent than the preceding outburst of the two attorneys. Attorney Olson then made a long address the substance of which was that if the question was not pertinent to the issue before the commission it was not pertinent and that the commission should assure the commission that it was not a part of a line of examination that would be according to legal procedure. He also stoutly maintained that it was unfair to oblige private shippers to tell of their private affairs in a public meeting.

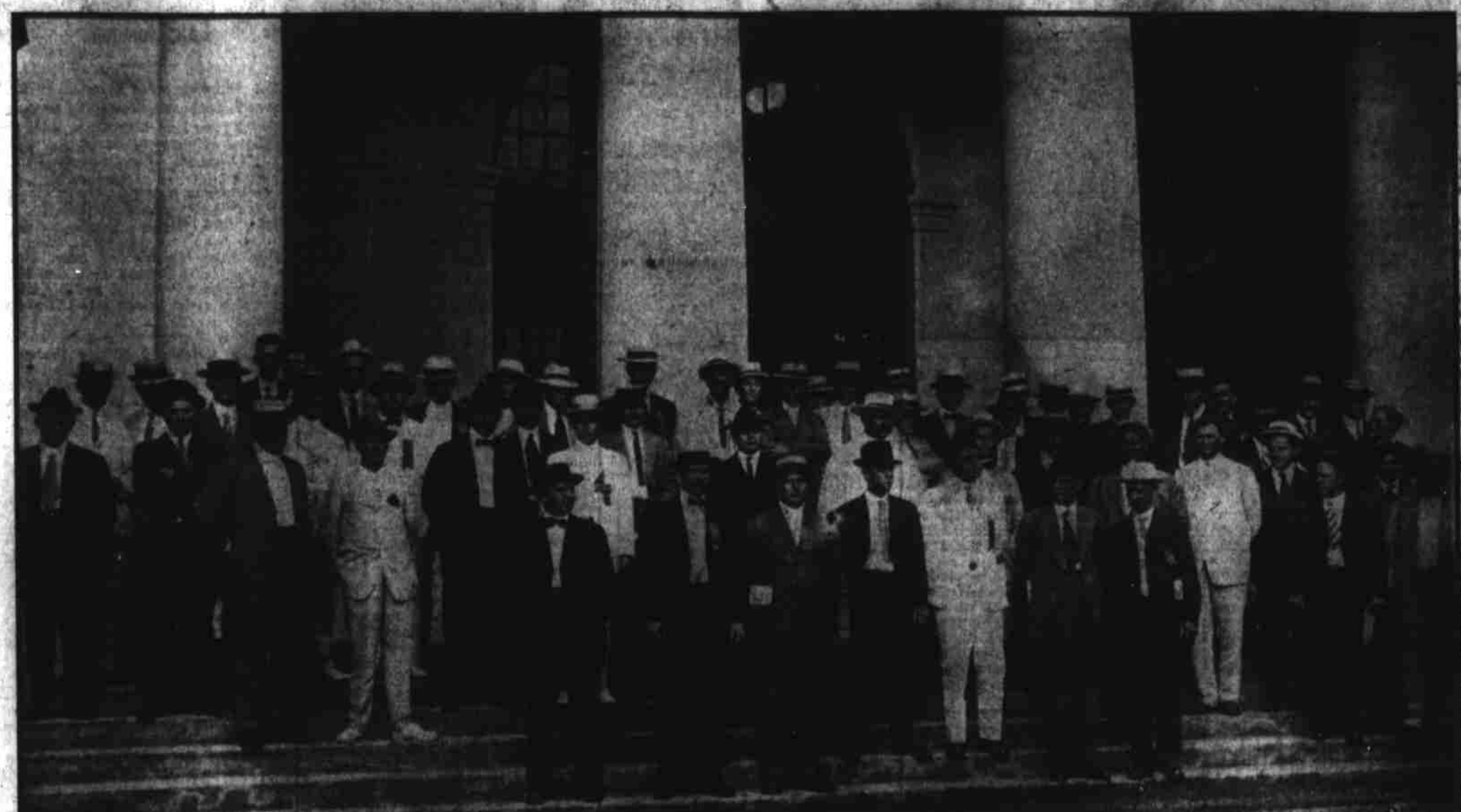
Followed considerable more discussion between Attorney Olson and Chairman Forbes on the legal status of the matter until finally Forbes ruled that the question should be answered. Then Olson sprang to his feet with a protest and said:

Automatic Says Olson
"If this is the ruling of the commission I want to go on record as stating that it is one of the most automatic rulings I have ever heard of. I want to go on record as saying that it is a mechanical, illegal and without justification that this question should be required to be answered unless the commission for the Inter-Island Steam Navigation Company assures the commission that it will be connected up with other questions that have a direct bearing on the question at issue."

Ultimately the two attorneys came to an agreement when Attorney Warren assured the commission that the question was only a part of a line of examination that had a direct bearing on the case. Mr. Waller was then ordered to answer the question.

Then Dratted Objector
Then followed objection from Waller. He stated that he did not believe

MEMBERS of the Sugar Mill Engineers Association Gathered At Library of Hawaii For Their Fourth Annual Convention. The Convention Adjourned To Allow This Photograph To Be Taken By An Advertiser Staff Photographer



RAWHIDE BEN ON WITNESS STAND

Adds Picturesque Touch To Long Hearing of the Public Utility Commission

For the first time since the hearings before the Public Utilities Commission on the Inter-Island Steam Navigation Company's rates commenced a month ago, something of a picturesque nature was injected into the hearings yesterday by Eben P. Low, superintendent of the Oahu Shipping Company.

Low was put on the stand as a witness for the steamship company, and succeeded in explaining to the commission that much of the injury sustained by cattle was not due to the steamship company. Incidentally he took a number of falls out of the Hawaii Meat Company, and intimated that no matter how little the shippers receive for their cattle the price to the ultimate consumer always remains the same, if not higher.

Taking No Chances
"Sometimes," said Low, "the Hawaii Meat Company will condemn an entire quarter for bruises of four or five pounds. If the shippers are not careful this will happen. That was the case when I shipped cattle, and I believe that it is the same today. The Hawaii Meat Company marks down the price to the shippers because they do not have any better sense," was his parting shot.

"Then it is not a deliberate attempt on the part of the meat company to deprive the shippers of their just profits?" asked Commissioner Carden.
"No; it's just a habit with them," was the tart answer.

Low kept the members of the commission interested for a long time while he vividly described the driving and loading of cattle in the Kona district.

Roping Injures Stock
"It is regular Wild West business," he explained. "The cattle are mostly wild and have to be roped. Only the most skilled cowboys are used for this work. They are driven through an opening in some cases, and it requires men of years of experience to perform this work."

Among the points brought out by Low was the fact that it is more humane to handle steers by the horns than with tackle around the body, as is now the practice.

More Humane Method
"The strongest part of a bullock is his neck," said Low, "and I believe that the cattle should be slung from the horns. That is the way it is done in South America. I have timed the operation, and find that it is only ten seconds from the time the animal is lifted from his feet till he is placed on his feet again. With the body tackle the animal is landed on his feet in five seconds, and it is only ten seconds from the time the animal is lifted from his feet till he is placed on his feet again."

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MILLMEN MEET IN ANNUAL ASSEMBLY

The fourth annual convention of Sugar Mill Engineers got down to business at 8:30 Monday morning at the Library of Hawaii with more than 100 visiting and local experts in attendance.

C. B. Andrews, vice-president of the association, called the convention to order and then asked Alonzo Garley to take the chair.

Joseph Wyllie, chairman of the committee on field machinery and cane transportation, reported mainly on machinery to plow in the heavy trash blanket which present day agricultural practice finds desirable to incorporate in the soil. Various forms of disc plows were discussed. Mr. Garley thought a heavy disc at least three-eighths inch thick satisfactory. Lighter discs used on the mainland do not stand the work.

H. P. Agos mentioned the stool-splitter and stool-shaver as probably the most important forms of new field implements brought out during the year. The Spalding 5-gang disc plow at Kilauea, pulverizes the soil twenty inches deep and levels the field. Plantation practice indicates that a 5-gang outfit is the heaviest load a 75-hp. tractor can handle. At Waialua these gang plows cut through a two foot trash bed after each gang had been weighed down with 500 pounds of pig lead.

Mr. Garley described the Webster 30-inch coulters used on plows at Pepee, each with a five-eighths steel strap, or sled, on either side that pressed the trash down flat in front of the coulters, making it easy to cut through. The coulters are followed by subsoilers to the depth of 18-20 inches, and subsoilers run in a gang with coulters ahead, split the stools, loosen up the subsoil without throwing it to the surface and the coulters cut the trash into two-foot lengths, making it easy to handle.

R. Benton Hind promised that the Hind-Ogg mechanical flume will be ready for work next January. Freight delays have interfered with the completion of the units. The factory sent the wrong motors, and so motors have had to be built here in Hawaii. This "dry flume" will carry cane up hill and down. They are to serve as feeders for main flumes and will replace portable water flumes which can only be laid on contours.

The Fireman extemporized cane loader was discussed. It is to run parallel to the main track thirty-five or forty feet away. There is a platform on the track for supporting a forty-foot boom. The idea is to swing 1500 pound handles of cane from the field on to the cane cars.

H. K. Schofield asked about the use of the gasoline motors for hauling cane cars. Mr. Garley described the motors used at Pahala, for switching purposes only, in the yards around the mill. The engines were taken out of Pierce-Arrow automobiles and fitted into an engine frame. R. S. Norris told of the "hot water and steam" engines used in Cuba without fire under them. Enough steam is run into their boilers to turn them for an hour or two, and when this charge is used up they are run back to the mill and refilled.

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KUPIHEA WAS AN ISSUE ON HAWAII

Hale Gets Re-nomination On the Fact That He Helped Keep This Honorable In House

(Mail Special to The Advertiser.)
HILO, October 9.—With the main plank of his platform the fact that he had voted to retain David Kupihea in the last house of representatives, casting his vote against the acceptance of the judiciary committee's report which severely condemned the member from the fifth for apparent conniving in the moral delinquency of his own young daughter, J. P. Hale was elected at the first district primary on Saturday. A fight was made against him by such influential Republicans as Stephen Desha, on the Kupihea record, but wherever the "Martyrdom" of the ornament of the fifth was related it gained votes for his supporter.

The contest was close, however, and there will be a recount. H. S. Richards, whom Hale defeated on the first count by three votes, claims that in the fifth precinct eight of his votes were improperly rejected and he has demanded a fresh tallying.

Another Surprise
One of the surprises of the campaign on the Big Island was the defeat of Senator John A. Brown for re-nomination, the plum going to George P. Kamaheua of Kona. This gives both new senators from Hawaii to the Kona district.

During election day there were many slates smashed, but the reason as shown by the returns, is that as at present conducted a party primary election in Hawaii is a farce, a delusion and a snare, as Democrats can dictate Republican nominations and vice versa.

An instance of this is shown in the returns for representative in the Second District, where at the last election Huleston only beat Kamoku at the election by five votes, yet at this primary Huleston ran 222 behind the leader in his own party, while Kamoku polled only 179 votes to Huleston's 598.

Kuhio On Land Law
At the pre-primary rally held in Moehau Park, Prince Kuhio was the main speaker. He dealt particularly with the ever popular land question and the matter of homesteads. Speaking of the land laws, he said: "Get after your legislators and get them to revise the land laws and I will do my part in congress. You have a Democratic Governor, blame him, don't blame me for the way the land laws are carried out."

The Prince expressed his commiseration in advance for Lanihon, but denied that the Hawaiian man was any more a coffee man than he, the speaker, was. "But the people must realize," he said in conclusion, that Republican or Democrat as congress may be, there will never again be a duty placed on coffee in this country."

Full returns of the voting on Hawaii show that Lanihon beat the Prince in both the fourth and the eleventh precincts of the first district and had a majority of sixty-two over McCandless in the first district totals.

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BIG ISLAND GUARD HAS NEW COMPANY

Colonel Easton and Staff Have Had Busy Time

HILO, October 6.—Under the new rules of the war department at Washington governing the organization of the National Guard there have been busy times recently among the officers of the Second Regiment, N. G. H., with headquarters in Hilo. Colonel John D. Easton and his staff have now organized the new headquarters company, which includes the band, messengers and regimental sergeants major, besides the teamsters for this brigade, and the battalion sergeants major.

The new supply company includes the supply sergeants, the title of the old quartermaster sergeant having been done away with the teamsters and wagon men in the transport service. There has also been a reorganization of the Machine Gun Company's standing.

The official inspection by a United States Army officer will be held about the middle of this month at the armory, when Lieut. Charles Bonesteele, U. S. A., inspector-instructor, N. G. H., will be in charge and will later make the report which will determine, largely, the standing of the Second Regiment as a unit of the National Guard of Hawaii.

Neck Broken Year
YET UNAWARE OF IT
Joe Morton, all-round athlete of the University of Pennsylvania, has had a broken neck since last fall, but did not know it until recently, when, after trying to play with the football team, he consulted a physician and an X-ray photograph was made. It was disclosed that the only reason Matsun is not dead, is because the fracture is between the second and third vertebrae, and the spinal cord is not affected. The accident occurred in a crisscross.

CAN'T STAND THE WORK
No matter how hard a man's work is, he can enjoy it if he has a clear head, a sound body and steady nerves. But fame, aching backs and "jumpy" nerves make hard work harder. Often it's only weak kidneys.

The work itself may bring kidney trouble. Work that requires constant bending, reaching, stooping or lifting strains the kidneys in time. So will jolting, vibration, dampness, sudden changes of heat and cold, chemical fumes, or being always on one's feet.

Kidney sufferers complain of being tired all the time, lame in the morning and nervous; they have headaches, dizzy spells, darting pains and bladder troubles.

Don't give up. Don't let gravel, dropsy or Bright's disease make a start. Help the kidneys. Use Doan's Backache Kidney Pills, the kidney remedy that is raised everywhere.

When Your Back Is Lame—Remember the Name. Don't simply ask for a kidney remedy—ask distinctly for Doan's Backache Kidney Pills and take no other. Doan's Backache Kidney Pills are sold by all druggists and storekeepers at 50c a box (six boxes \$2.50); or will be mailed on receipt of price by The Hollister Drug Co., 100 Revere Street, South St. Co., agents for the Hawaiian Islands.—Advertisement

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BREAKWATER MAN TELLS OF PIKIKIAS ON BIG CONTRACT

All Work At Hilo Suspended Pending Litigation Over Payments and Laborers Are Discharged

WARSHALL WANTS HIS EQUITY RECOGNIZED

Says That Most Difficult Half of Contract Completed and He Should Profit

(Mail Special to The Advertiser.)

HILO, October 9.—All work on the big Hilo breakwater has stopped; all men employed by Contractor George E. Marshall have been discharged, and it is very uncertain when operations will commence again. The indications are that there will be a complete change in operations forced by the American Surety Company, which is seeking to force Mr. Marshall to give up his contract on the breakwater.

Mr. Marshall was exceedingly frank regarding the troubles which have caused the suspension of work on the breakwater, stating that they, the Marshalls, would be willing to step out and permit the surety company to finish the contract, if the latter would recognize that they had an equity in the contract and pay them a reasonable sum therefor. Speaking for his father, Walter Marshall said:

"To make the situation clear, I would like to recall that the old breakwater company failed in its contract with the American Surety Company of New York was called upon by the United States government to complete it under its bond for \$235,000. The original contract was for \$450,000. The surety company made arrangements with George E. Marshall to complete this contract for 250,000 tons of rock to be placed on the breakwater at \$15 a ton."

"The surety company advanced Mr. Marshall \$60,000 for equipment and another \$60,000 for the tugboat Pioneer and three scows, both sums as a loan for which we pay interest. In addition, the surety company provided us with the old breakwater company's plant, for which Mr. Marshall pays the surety company at the rate of twenty cents a ton for each ton of rock placed for by the federal government at \$2.17 a ton."

"We have to date put in place on the breakwater about 100,000 tons of rock, thus completing about one-half of the breakwater contract, and the most expensive half. It is this preliminary work which costs so much, and it is in completing the second half of the contract that there is a chance to make the profit."

For some time Vice-President Deming of the surety company has been here investigating the work. Last month he delivered a letter to Mr. Marshall making the request, which was a demand, that he step out of the contract and permit the surety company to carry on the contract. The company was willing to assume all indebtedness and cancel our indebtedness to the company, if given reasonable entry. No consideration was given to Mr. Marshall's equity in the contract.

"I can say now that Mr. Marshall is willing to step out of the contract if the company will pay him a reasonable sum for his equity, which includes all the pioneering work done."

Deming Rejected
"However, Mr. Deming's demand was rejected, and then he took the step of applying for a temporary injunction and the appointment of a receiver. Under our agreement with the surety company, all warrants from the federal government were deposited in the first bank of Hilo and drawn against by Mr. Marshall for current expenses, the surety company counter-signing all checks. When he refused his demand, however, Mr. Deming refused to counter-sign the checks."

"There was only one thing for us to do, and that was to collect direct from the government in order to pay our current liabilities. The matter was taken up in Honolulu, and United States District Attorney Huber decided that the government warrant should be paid to the contractor. Then it was that the American Surety Company filed its bill of complaint and got out the temporary injunction, which is not yet answered, to prevent the collection on the warrant."

Payments Held Up
"In the meantime the chief engineer at Washington wired to Major Raymond, the United States engineer in charge here, to withhold payment on his warrant. This brought matters to a crisis, and as the money was not forthcoming, we immediately closed down all work last Thursday, pending a settlement of the case."

"I would like to accentuate the fact that outside of our indebtedness to the American Surety Company there are practically no liabilities other than the current liabilities. For these there is now due the money from the government for the September work, amounting to \$21,000."

Walter Marshall stated that he was attending immediately to Honolulu to try and make a settlement in some way, but acknowledged that if the government refused to pay the money directly to the contractor Mr. Marshall could have a very difficult problem to solve, and might be forced to throw up the contract.

GIVE \$100 FOR ROAD
One hundred dollars was appropriated by the board of directors last night for the construction of a coral road in connection with the Queen Street extension.

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